

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------|---|---------------------|
| GARY HAYES, | : | CIVIL ACTION |
| Petitioner, | : | |
| | : | |
| v. | : | No. 14-2994 |
| | : | |
| JOHN WETZEL et al., | : | |
| Respondents. | : | |

ORDER

This 12th day of March 2015, following careful and independent consideration of the pleadings and record herein, the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, dated July 29, 2014, and *pro se* petitioner Gary Hayes' Objections to Magistrate's Report and Recommendation, **IT IS ORDERED** as follows:

1. The July 29, 2014 Report and Recommendation of Chief United States Magistrate Judge Wells is **APPROVED AND ADOPTED**;
2. Petitioner's Objections to the Report and Recommendation are **OVERRULED** for the reasons stated by Chief Magistrate Judge Wells in the Report and Recommendation dated July 29, 2014;
3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner Gary Hayes is **DISMISSED**; and
4. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's rulings, and Petitioner has not demonstrated a denial of any federal constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

/s/ Gerald Austin McHugh
United States District Court Judge